

**MEDICAL EXAMINING BOARD
MINUTES
MAY 20, 2009**

PRESENT: Jude Genereaux and Carolyn Bronston as Public Members and Drs. Jerold J. Harter, Sujatha Kailas, Jack Lockhart, Raymond Mager, Ian Munro, Gene Musser, Sandra Osborn, and Sheldon Wasserman

EXCUSED: Dr. Suresh Misra and Dr. Bhupinder Saini

STAFF: Gail Sumi, Division Administrator; Michael Berndt, General Counsel; Karen Rude-Evans, Bureau Assistant; and other DRL staff

GUESTS: Mark Grapentine, Wisconsin Medical Society (WMS); Anne Hletko, Wisconsin Council on Physician Assistants; Jeremy Levin, Rural Wisconsin Health Cooperative (RWHC); Judy Warmuth, Wisconsin Hospital Association (WHA); Eric Jensen, WAPA/WSA; Dr. Thomas Chua

CALL TO ORDER

Gene Musser, the Board Chair, called the meeting to order at 8:02 a.m. There was a quorum of 10 members present.

APPROVAL OF AGENDA

Amendments to Agenda:

- Administrative Report is moved to 9:15 to accommodate Executive Assistant Hector Colon's schedule
- Add to the Administrative Report "Minnesota Physicians Licensed in Wisconsin by Reciprocity"
- Discussions of Graduate Medical Education and (Item D) Alternative Medicine are postponed to the June agenda
- Before Item "G" (open session), History of Senate Bill 180
- After Item "T" at 11:30 (closed session) – Oral Interview of Satoru Osaki for Visiting Professor License

MOTION: Jerold Harter moved, seconded by Jack Lockhart, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 15, 2009

MOTION: Sujatha Kailas moved, seconded by Jerold Harter, to approve the April 15, 2009 minutes as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

FRANCINE L COSNER, MD

Attorney Sandra Nowak presented the Proposed Stipulation, Final Decision and Order in the matter of Francine L. Cosner, MD. This matter will be deliberated in closed session.

JUNG-NAN TSAI, MD

Attorney Jim Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of Jung-Nan Tsai, MD. This matter will be deliberated in closed session.

VICTORIA FETTER, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of Victoria Fetter, MD. This matter will be deliberated in closed session.

PRESENTATION OF PETITION FOR SUMMARY SUSPENSION

JONATHAN W THOMAS, MD

Attorney Arthur Thexton presented a Petition for Summary Suspension in the matter of Jonathan W. Thomas, MD. Dr. Thomas also appeared before the Board with his attorney. This matter will be deliberated in closed session.

**PRESENTATION OF PROPOSED STIPULATION,
FINAL DECISION AND ORDER RECEIVED AFTER THE MAILING OF THE
AGENDA**

None.

ADMINISTRATIVE REPORT

Secretary Celia Jackson

Secretary Celia Jackson addressed the Board regarding the budget and the financial challenges for State agencies. The merger of Board Services and the Office of Legal Counsel has brought about changes in staff for the Boards. The Medical Board's proposal for dedicated staff was put into the Governor's budget; however the Joint Finance Committee reduced the proposed number of staff positions from 13 to 8, including 2 project positions.

Budget Report

DRL Executive Assistant Hector Colon reviewed the Medical Boards proposal in the Governor's budget. With the budget deficit, the Governor has indicated that all new programs that were submitted in his budget could be reconsidered, but there is no word at this time as to whether or not the Medical Board's proposal will be affected. Secretary Jackson has asked Mr. Colon to lead a Medical Board implementation team, the first meeting of which will be held next week. Dr. Musser is unable to attend the meeting. If another Board member would like to attend, they should contact Hector Colon.

Joint Finance Committee Motion Relating to Wisconsin Chiropractic Association

Hector Colon reviewed the Joint Finance Committee Motion relating to chiropractors' duty to refer a patient who is not responding to chiropractic care, or whose condition is outside of the scope of chiropractic care, to a physician. The Medical Board will continue to monitor this proposed legislation.

Appointment of Screening and Oral Examinations Panel for July-December

This matter will be handled electronically and will be reviewed at the next meeting.

DISCUSSION OF LICENSURE OF MINNESOTA PHYSICIANS BY RECIPROCITY

The Board reviewed the information compiled by Tom Ryan comparing licensure requirements of Minnesota and Wisconsin. Further review and discussion will take place at the June Board meeting.

FEDERATION OF STATE MEDICAL BOARDS ANNUAL MEETING REPORT

Dr. Sujatha Kailas reported that she, Dr. Ian Munro and Dr. Gene Musser attended the FSMB meeting in Arlington, VA, April 30 – May 2. The theme of the meeting was "20/20 Vision – The Future of Medical Regulation." Dr. Kailas gave a brief review of the FSMB Foundation, international medical education and USMLE update.

Dr. Munro spoke about appropriate pain management and presented information on the Maine Medical Association Primary Care Pain Project and the Lazarus Project from Wilkes County, North Carolina.

Dr. Musser said the nursing program at Columbia, University of New York, now has a degree program for Doctor of Nurse Practice.

REQUEST FOR PHYSICIAN ASSISTANT-PHYSICIAN SUPERVISION RATIO INCREASE BY ARVIND AHUJA, MD

The Board discussed this request and needs more information on the number of physicians in the practice and the number of physician assistants that are currently being supervised. The Board has referred this to Legal Counsel to request this information and to respond to Dr. Ahuja.

DISCUSSION OF GRADUATE MEDICAL EDUCATION

This item was postponed to the next meeting.

DISCUSSION OF ALTERNATIVE MEDICINE

This item was postponed to the next meeting.

REGULATORY DIGEST

Dr. Sujatha Kailas reviewed the proposed draft of the Regulatory Digest. The final draft will be available at the June meeting. When approved, the Regulatory Digest will be available on the Department of Regulation and Licensing's website.

SCREENING PANEL REPORT

Jude Genereaux reported that 25 cases were reviewed, one 10-day letter was sent and 5 cases were opened.

LEGISLATIVE LIAISON REPORT

None.

2009 ASSEMBLY BILL 44 RELATING TO VOLUNTEER HEALTH CARE PROVIDER PROGRAM

Noted.

IPP TASK FORCE REPORT

Dr. Sandra Osborn reported the IPP Task Force drafted 20 recommendations at the last meeting. The next meeting is this coming week. Dr. Osborn asked the Board to email her with any comments or suggestions.

PROPOSED WISCONSIN MEDICAL SOCIETY RESOLUTIONS

Dr. Sandra Osborn reported there were 3 Wisconsin Medical Society (WMS) Resolutions that were discussed at the last WMS meeting. One resolution is the ability for a patient to make some end of life choices with their physician, and has been referred to the Health Care Ethics Council. A second resolution concerning the definition of disruptive clinical behavior has also been referred to the Health Care Ethics Council. The third resolution regarding the authorization for field use of nalaxone has been referred to The Council on Health Care Quality and Population Health.

APPLICATION ISSUES

None.

EXAMINATION ISSUES

None.

CONTINUING EDUCATION ISSUES

None.

PRACTICE QUESTIONS

None.

INFORMATIONAL ITEMS

Noted.

OTHER BUSINESS

None.

PUBLIC COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Sheldon Wasserman moved, seconded by Sandra Osborn, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings,

proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Motion carried by roll call vote: Jude Genereaux-yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Carolyn Bronston-yes, Sheldon Wasserman-yes

Open Session recessed at 10:08 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:21 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Sujatha Kailas moved, seconded by Jerold Harter, to reaffirm all motions made during closed session. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

FRANCINE L COSNER, MD

MOTION: Sujatha Kailas moved, seconded by Jack Lockhart, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Francine L. Cosner, MD. Motion carried unanimously.

JUNG-NAN TSAI, MD

MOTION: Ian Munro moved, seconded by Jerold Harter, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Jung-Nan Tsai, MD. Sandra Osborn abstained. Motion carried.

VICTORIA FETTER, MD

MOTION: Jerold Harter moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Victoria Fetter, MD. Carolyn Bronston abstained. Motion carried.

PETITION FOR SUMMARY SUSPENSION

JONATHAN W THOMAS, MD

MOTION: Carolyn Bronston moved, seconded by Raymond Mager, to adopt the summary suspension in the disciplinary proceedings against Jonathan W. Thomas, MD. Jerold Harter abstained. Motion carried.

CONSIDERATION OF COMPLAINTS

09 MED 040 AND 09 MED 119

MOTION: Sujatha Kailas moved, seconded by Raymond Mager, in favor of a finding of probable cause to issue a complaint in the matter of cases numbered **09 MED 040** and **09 MED 119**. Motion carried unanimously.

06 MED 192

MOTION: Sujatha Kailas moved, seconded by Jerold Harter, in favor of a finding of probable cause to issue a complaint in the matter of case number **06 MED 192**. Motion carried unanimously.

08 MED 120 – JRL

MOTION: Sujatha Kailas moved, seconded by Sheldon Wasserman, in favor of a finding of probable cause to issue a complaint in the matter of case number **08 MED 120 to JRL**. Jack Lockhart abstained. Motion carried.

08 MED 120 – JJJ

MOTION: Sujatha Kailas moved, seconded by Raymond Mager, in favor of a finding of probable cause to issue a complaint in the matter of case number **08 MED 120 to JJJ**. Jack Lockhart abstained. Motion carried.

CONSIDERATION OF ADMINISTRATIVE WARNINGS

05 MED 347

MOTION: Sujatha Kailas moved, seconded by Jude Genereaux, to issue the administrative warning in case number **05 MED 347**. Motion carried unanimously.

08 MED 204

MOTION: Jude Genereaux moved, seconded by Jerold Harter, to issue the administrative warning in case number **08 MED 204**. Motion carried unanimously.

09 MED 021

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to issue the administrative warning in case number **09 MED 021**. Motion carried unanimously.

**REVIEW OF ADMINISTRATIVE WARNINGS AND
PERSONAL APPEARANCES**

O6 MED 108 – T.Y.C.

T.Y.C. appeared before the Board to request the administrative warning be rescinded.

MOTION: Ian Munro moved, seconded by Jerold Harter, to deny the request of T.Y.C. to rescind the administrative warning in case **06 MED 108**. Sujatha Kailas and Sheldon Wasserman abstained. Motion carried.

06 MED 108 – G.A.F.

G.A.F. appeared before the Board to request the administrative warning be rescinded.

MOTION: Jack Lockhart moved, seconded by Jerome Harter, to deny the request of G.A.F. to rescind the administrative warning in case **06 MED 108**. Sujatha Kailas, Sheldon Wasserman and Raymond Mager abstained. Motion carried.

FULL BOARD ORAL EXAM

CHARLES G BAYNTON, MD

Charles G. Baynton, MD, appeared before the Board for an oral exam and interview.

MOTION: Jerome Harter moved, seconded by Raymond Mager, to defer a decision on the licensure of Charles G. Baynton, MD, until the results of the Internal Medicine Recertification Exam are available. Carolyn Bronston and Sandra Osborn opposed. Motion carried.

**PERSONAL APPEARANCE AND REQUEST FOR 12 MONTH WAIVER OF
ACGME RESIDENCY TRAINING**

AYMAN B AL HARAKEH, MD

Dr. Ayman B. Al Harakeh appeared before the Board to request a 12-month waiver of ACGME residency training.

MOTION: Ian Munro moved, seconded by Sandra Osborn, to grant equivalency to the ACGME residency training to Ayman B. Al Harakeh, MD. Jack Lockhart abstained. Motion carried.

ORAL INTERVIEW FOR VISITING PROFESSOR

SATORU OSAKI, MD

Satoru Osaki, MD, made a personal appearance before the Board as required for his visiting professor licensure application.

MOTION: Ian Munro moved, seconded by Jerome Harter, to grant a visiting professor license to Satoru Osaki, MD. Motion carried unanimously.

MONITORING

**REQUESTS FOR STAYS OF SUSPENSIONS AND MODIFICATIONS OF
ORDERS**

DAVID ONSRUD, DO

David Onsrud, DO, requested a three-month stay of suspension or full licensure.

MOTION: Carolyn Bronston moved, seconded by Ian Munro, to reinstate full licensure to David Onsrud, DO. Jack Lockhart abstained. Motion carried.

RAYMOND KOZIAL, MD

Raymond Kozial, MD, requested a three-month stay of suspension.

MOTION: Sujatha Kailas moved, seconded by Ian Munro, to grant the request for a three-month stay of suspension in the matter of Raymond Kozial, MD. Sheldon Wasserman abstained. Motion carried.

JERRY YEE, DO

Jerry Yee, DO, requested approval of course and the removal of the limitation on his license.

MOTION: Ian Munro moved, seconded by Jack Lockhart, to approve the course taken by Jerry Yee, DO, and to reinstate full licensure. Raymond Mager abstained. Motion carried.

CONSULTING WITH LEGAL COUNSEL

Noted.

DOE CASE CLOSINGS

08 MED 405

MOTION: Jack Lockhart moved, seconded by Sandra Osborn, to close case **08 MED 405** for compliance gained. Motion carried unanimously.

06 MED 248

MOTION: Raymond Mager moved, seconded by Jerold Harter to close case **06 MED 248** against R.E.S for no violation and against M.N for no jurisdiction. Motion carried unanimously.

06 MED 403

MOTION: Sujatha Kailas moved, seconded by Jerold Harter, to close case **06 MED 403** for insufficient evidence. Motion carried unanimously.

06 MED 166

MOTION: Jerold Harter moved, seconded by Sujatha Kailas, to close case **06 MED 166** for insufficient evidence. Motion carried unanimously.

RATIFY LICENSES

MOTION: Sujatha Kailas moved, seconded by Ian Munro, to ratify licenses and certificates issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Jerold Harter moved, seconded by Sujatha Kailas to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 1:22 p.m.